

DEARDORFF & HAAS  
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF  
LOREN S. HAAS  
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300  
CINCINNATI, OHIO 45206  
(513) 872-7900  
FAX 281-6760

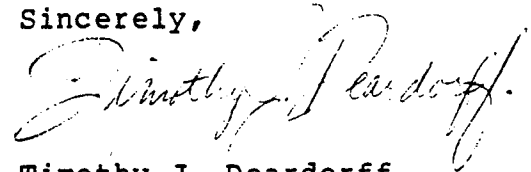
June 1, 1994

Daniel J. James  
13th Floor, American Building  
30 East Central Parkway  
Cincinnati, OH 45202

Re: State of Ohio vs. Lee Moore

Dear Mr. James,  
Please find the enclosed copies of the motions you requested.

Sincerely,



Timothy J. Deardorff

TJD/amh

008801

DEARDORFF & HAAS  
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF  
LOREN S. HAAS  
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300  
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(513) 872-7900  
FAX: 281-6760

May 24, 1994

Mr. Chuck Stidham, Esq.  
Sand, Stidham and Bernard  
317 W. Benson Street  
Reading, Ohio 45215

Re: State of Ohio v. Lee Moore

Dear Chuck:

I received your letter which you copied to Dan James. The trial in the matter begins on July 26th and continues until completed. I assume that Dan James is preparing the motion to have you appointed as mitigation specialist and upon obtaining that entry we will forward the same to you.

Very truly yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

TJD/jp

008802

LAW OFFICES

CHUCK R. STIDHAM  
CHRISTOPHER J. BERNARD

**SAND, STIDHAM AND BERNARD**  
317 W. BENSON STREET  
READING, OHIO 45215  
(513) 761-4929  
FAX (513) 761-3573

\*ROBERT G. SAND  
(1932-1990)  
\*HARRY A. SAND  
(1922-1987)

May 17, 1994

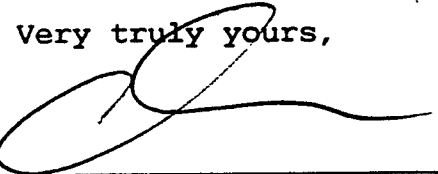
Tim Deardorff  
Attorney at Law  
169 E. McMillan  
First Floor  
Cincinnati, Ohio 45219-2636

RE: State of Ohio v. Lee Moore

Dear Tim:

I would appreciate very much if you would forward a copy of the Entry Appointing me as the Mitigation Specialist. In addition, I need to know the date the Trial is set. Mr. Vonderhaar and I are looking forward to meeting with you in reference to this case as early as possible.

Very truly yours,



Chuck R. Stidham  
Attorney at Law

CRS/tas

cc: Daniel James

008803

DEARDORFF & HAAS  
ATTORNEYS AT LAW

THOMAS DEARDORFF  
LOREN HAAS  
JAMES G. LUDWIG

109 EAST MAIN, ANCHORAGE, ALASKA 99501  
PHONE: (907) 241-4030  
FAX: (907) 241-5724

3000 W. ALASKA STREET, ANCHORAGE, ALASKA 99503

FAX TRANSMISSION

-----  
TO: DAN JAMES 721-1995  
FROM: TIM DEARDORFF  
DATE: 18 FEB 94  
MESSAGE: THIS IS OUR SAMPLE MOTION FOR CHANGE OF  
VENUE. WE CAN ADD RESEARCH IF YOU FEEL IT IS  
Fax No: 241-0154 NECESSARY.

Page one of (including cover letter)

FAX NUMBER SENT FROM (513) 241-5724

If there are any questions concerning the following faxed material,  
please contact Deardorff & Haas, Law Offices at (513) 241-4030.

Thank you.

008804

COURT OF COMMON PLEAS  
CRIMINAL DIVISION  
HAMILTON COUNTY, OHIO

STATE OF OHIO, : Case No. B-940481  
 : Judge Morrissey  
Plaintiff, :  
 : MOTION FOR CHANGE OF  
v. : VENUE  
LEE EDWARD MOORE, :  
 :  
Defendant. :


Now comes the Defendant, by and through counsel, and respectfully moves this Court to order a change of venue in the above captioned case, as allowed by Criminal Rule 18, for the reason that a fair trial cannot be obtained in Hamilton County, nor in any of the counties in the Cincinnati metropolitan area. The Defendant requests that the trial of the Defendant to be transferred to a jurisdiction outside of the southwestern Ohio area.

The Defendant respectfully requests an oral hearing for the determination of this issue.

Respectfully submitted,

---

DANIEL J. JAMES  
Lead counsel for Defendant  
Supreme Court No. 0008067  
30 East Central Parkway  
Cincinnati, Ohio 45202  
(513) 721-1995

---

TIMOTHY J. DEARDORFF  
Co-counsel for Defendant  
Supreme Court No. 0001848  
169 E. McMillan Street  
Cincinnati, Ohio 45219  
(513) 241-4030

DEARDORFF & HAAS  
Attorneys At Law  
169 East McMillan  
Cincinnati, Ohio 45219  
(513) 241-4030

008805

## MEMORANDUM

The Defendant herein was indicted for the crimes of Aggravated Murder, kidnapping, and aggravated robbery. Since the commission of the crimes in question, the case has received widespread news coverage by the local media, including extensive articles in the major newspapers, coverage on all the local television stations, and much commentary on local radio stations. Furthermore, Prosecutor Joe Deters has been repeatedly made inflammatory statements to the public via the news media, referring to the Defendant as a person who "cannot be saved" and who "definitely deserves the death penalty." Finally, Mr. Deters commented to the news media that the Defendant was laughing at his arraignment, and therefore does no longer deserve to live.

The pervasive coverage of the death of Melvin Olinger (the victim in this case), combined with the inflammatory and highly prejudicial statements of Mr. Deters, has made a fair trial in Hamilton County impossible. Every potential juror has surely heard the statements and determined that the Defendant is guilty of the offenses as charged. For this reason, this honorable Court should order a change of venue immediately, without waiting until the voir dire of the prospective panel, as such would be entirely fruitless. See Sheppard v. Maxwell, 384 U.S. 333 (1976), State v. Fairbanks, 32 Ohio St.2d 34 (1972).

Respectfully submitted,

---

DANIEL J. JAMES  
Lead counsel for Defendant  
Supreme Court No. 0008067  
30 East Central Parkway  
Cincinnati, Ohio 45202  
(513) 721-1995

---

TIMOTHY J. DEARDORFF  
Co-counsel for Defendant  
Supreme Court No. 0001848  
169 E. McMillan Street  
Cincinnati, Ohio 45219  
(513) 241-4030

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Change of Venue was served upon Joseph Deters, Prosecuting Attorney, 1000 Main Street, Cincinnati, OH 45202 on the same day the motion was filed.

---

TIMOTHY J. DEARDORFF

DEARDORFF & HAAS  
Attorneys At Law  
169 East McMillan  
Cincinnati, Ohio 45219  
(513) 241-4030

008807

**DANIEL J. JAMES**

ATTORNEY AND COUNSELOR AT LAW  
13TH FLOOR, AMERICAN BUILDING  
30 EAST CENTRAL PARKWAY  
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE

4226 BRIDGETOWN ROAD  
CINCINNATI, OHIO 45211  
(513) 574-5400

February 9, 1994

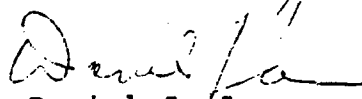
Mr. Timothy J. Deardorff  
Attorney at Law  
Deardorff & Haas  
169 East McMillan  
Cincinnati, Ohio 45219-2636

Dear Tim:

Please find enclosed a copy of the Entry Of Continuance that has been signed by Mr. Moore.

Additionally, it is my understanding that you would file the standard Request For Discovery, Request For Bill Of Particulars and Demand For Disclosure Of Favorable Evidence. Also, I ask you to check your calendar as to when you will be over at the Courthouse during the next few days. I'd like to meet with you to review and discuss the additional motions we need to file. I'll call you later this week to schedule a time convenient for both of our schedules.

Sincerely yours,

  
Daniel J. James

DJJ/kw  
Encl.

008808

MOTIONS FOR LEE EDWARD MOORE

- 1) Bill of Particulars
- 2) Request for Discovery
- 3) Change of Venue
- 4) Submit Questionnaires to Prospective Jurors
- 5) Appropriation of Funds for Defense Preparation
- 6) Exclude Death Penalty because Electrocution is Cruel and Unusual Punishment
- 7) Disclosure of Witness Statements Prior to Trial
- 8) Require Prosecutor to State Reasons for Exercising Peremptory Challenges
- 9) Motion to Suppress
- 10) Motion to Dismiss Indictment
- 11) Motion to Prohibit Death Qualifications of Jury
- 12) Individual Sequestered Voir Dire
- 13) Motion for Disclosure of Impeaching Information
- 14) Compel Law Enforcement Officials to Turn Over and Advise Prosecutor of all Information Acquired During Investigation
- 15) Compel Disclosure of and Specific Requests for Exculpatory Evidence
- 16) Prohibit Prosecutor from Arguing and the Court from Giving Instructions Regarding Statutory Mitigating Factors not Raised by the Defense
- 17) Prohibit References to the Jury that a Verdict as to Death is only a Recommendation
- 18) Require the Jury to Articulate the Method by Which it Weighs the Aggravating Circumstances Against the Mitigating Factors.
- 19) Sequester Jurors for Duration of Trial
- 20) Limit Number of Peremptories
- 21) Second Voir Dire of Jury
- 22) Prohibit Display of Evidentiary Exhibits Until Admitted
- 23) Exclude Photographs of Deceased
- 24) Exclude References to Defendant's Criminal Record and to Exclude any Evidence Relating to Other Crimes, Wrongs or Acts.
- 25) Prohibit any Evidence Bearing on the Character of the Victim.
- 26) Compel Disclosure of Aggravating Factors and any Information Relating to Mitigating Factors
- 27) Alternating Voir Dire
- 28) Compel Disclosure of Prosecutor's Jury Selection Data
- 29) Have Reasons for Defendant's Objections and for Overruling Defendant's Objections Placed of Record
- 30) Increase Burden of Proof to Beyond all Doubt at the Penalty Phase.

MOTIONS FOR LEE EDWARD MOORE

- 1) Bill of Particulars
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- 3) Change of Venue
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- 29) Have Reasons for Defendant's Objections and for Overruling Defendant's Objections Placed of Record
- 30) Increase Burden of Proof to Beyond all Doubt at the Penalty Phase.

# City of Cincinnati



Department of Safety  
Division of Police

310 Ezzard Charles Drive  
Cincinnati, Ohio 45214  
(513) 352-3536  
(513) 352-2949 (FAX)

## NOTICE OF VEHICLE IMPOUNDMENT

August 5, 1994

Michael C. Snowden  
Police Chief

Lee E. Moore Jr.  
1101 Clearbrook Drive  
Cinti, OH 45229

FILE# 54533

Dear Mr. Moore

A vehicle registered in your name was impounded on 1-24-94, by the Cincinnati Police Division because vehicle was held for investigation released 8-4-94.

The vehicle is stored in the Police Division's Impoundment Lot located at 1810 South Street, Cincinnati, Ohio 45204.

To obtain release of the vehicle, you must do the following:

*needs returned first from free to authorize release to free Sr. plate no. & Veh. I.N.*

and respond to the Impoundment Lot with the vehicle title or license registration and pay the impoundment and storage fees.

Basic charges for impoundment are \$70.00 plus \$8.00 storage per day of impoundment. An additional \$50.00 maintenance fee shall be charged if the vehicle is not claimed within 120 hours after this letter is mailed.

You have the right to challenge the validity of the impoundment at a hearing before a hearing officer on duty at the Impoundment Lot. The lot is open between the hours of 7:00 A.M. and 10:30 P.M., seven days a week. The telephone number is (513)352-6371.

Failure to obtain the release of the vehicle may cause it to be sold at public auction or salvaged under authority of Ohio Code 4513.63.

Sincerely,

Michael C. Snowden  
Police Chief

**DANIEL J. JAMES**  
ATTORNEY AND COUNSELOR AT LAW  
13TH FLOOR, AMERICAN BUILDING  
30 EAST CENTRAL PARKWAY  
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE  
4226 BRIDGETOWN ROAD  
CINCINNATI, OHIO 45211  
(513) 574-5400

August 23, 1994

Mr. Timothy J. Deardorff  
Deardorff & Haas  
2368 Victory Parkway  
Suite #300  
Cincinnati, Ohio 45206

Re: State of Ohio vs. Lee Moore

Dear Tim:

Please find enclosed a copy of the attached Motion and Questionnaire which was filed back on May 27, 1994. The Court granted this Motion and approved the Questionnaire at the hearing conducted June 27, 1994.

I have already submitted this questionnaire to Mr. Grauvogel of the Jury Commissioner's Office and instructed him that this is the form that needs to be completed by the panel that is to be summoned in November. I believe this questionnaire also contains a majority of the same questions you included in your letter of August 12th.

Feel free to look this over and call me if you have any questions.

Sincerely yours,

*Daniel J. James*  
Daniel J. James *kw*

DJJ/kw  
Encl.

008812

DEARDORFF & HAAS  
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF  
LOREN S. HAAS  
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300  
CINCINNATI, OHIO 45206  
(513) 872-7900  
FAX: 281-6760

August 12, 1994

Mr. Daniel James, Esq.  
1300 American Building  
30 E. Central Parkway  
Cincinnati, Ohio 45202

Re: Moore

Dear Dan:

Please find enclosed a copy of Prospective Juror Questionnaire that we may want to review together in our preparation for our own jury questionnaires for the upcoming trial in November. If you have any questions, please contact me.

Very truly yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

TJD/jp  
enclosure

008813

PROSPECTIVE JUROR QUESTIONNAIRE

## GENERAL BACKGROUND

1. Name, Address (nearest major intersection), Age, Race, Nationality and Place of Birth.

2. How long have you lived at your current address?

3. How long have you lived in Hamilton County?

4. If you have lived at other addresses in the past ten years, please list beginning with most recent:

5. Do you own \_\_\_\_\_ rent \_\_\_\_\_ your home? If neither, please explain.

## EDUCATION:

6. Please check one:

\_\_\_\_\_ less than high school

\_\_\_\_\_ high school

\_\_\_\_\_ some college

\_\_\_\_\_ B.A. \_\_\_\_\_ B.S.

\_\_\_\_\_ M.A. \_\_\_\_\_ M.S.

\_\_\_\_\_ Other graduate degree, please describe \_\_\_\_\_

13. Do you have any supervisory responsibilities? If you, how many people do you supervise and what do they do?

14. Do you have a second job? If yes, please describe what you do.

15. Have you had other employment in the past ten years? If yes, list prior places of employment, address, length of time at each, and job description for each prior employment.

MARITAL STATUS:

16. Please check: ☐ married ☐ separated  
☐ single ☐ widowed  
☐ divorced ☐ living w/non-marital mate

17. If married or with mate, for how long? Is your spouse or mate currently employed, unemployed, retired, a homemaker or a student?

18. If employed, please describe what type of work your spouse or mate does, including name and location of employer, and length of time at the position.

19. If your spouse or mate is retired, presently unemployed or disabled please answer the question above for the last job.

20. What is the educational background of your spouse or mate?

**CHILDREN:**

21. Do you have children? If so, how many, ages, sex, and last grade completed.

22. Their occupations, locations of employment and marital status, if adults.

23. Do your children presently live with you or, if now adults, did they live with you while growing up? If no, please explain.

**RELIGION:**

24. What is your religious affiliation/denomination, if any?

25. Do you attend a church/temple?  
If yes, how frequently?

26. What church/temple attended?

**FAMILY BACKGROUND:**

27. Where did you grow up?

**MILITARY SERVICE:**

28. Have you ever served in the military? If yes, when, where, how long, branch, highest rank and job.

**HEALTH:**

29. Do you have any specific health problems of a serious nature that might make it difficult or uncomfortable for you to sit as a juror in this case? If yes, please describe.

30. Are you taking any medication regularly that might make it difficult for you to pay attention or concentrate for long periods of time.

31. Is there any pressing business or personal matter that might interfere with the time it may take to render a decision in this case? If yes, please describe.

**AFFILIATIONS:**

32. Do you belong to any social, fraternal, recreational, athletic groups? If yes, please describe.

33. Offices held now or in the past in any of these groups? If yes, describe the position and what it involved.

**SPARE TIME:**

34. What television programs do you watch?

35. What type of books to you enjoy reading?

36. Which magazines to you read?

**MEDIA:**

37. Do you get more of your news from (circle one):

- a. newspapers
- b. magazines
- c. radio/T.V.

38. Which newspapers/news magazines do you read regularly?

39. What news programs do you listen to or watch most often?

40. Do you follow criminal cases or crime stories in the news? If yes, which cases have you followed?

41. Do you follow stories about the functioning of the criminal justice system? If yes, which stories and how do these stories make you feel about the criminal justice system?

**JURY EXPERIENCE:**

42. Have you served as a juror before? If yes, when and where?

43. Criminal or civil? If civil, what was the issue? If criminal, what type of charges?

44. Were you the foreperson?

45. Without disclosing the result, did the jury reach a verdict in all cases? If no, describe type of case.

WITNESS EXPERIENCE:

46. Have you ever testified as a witness in a criminal or civil case? If so, what type of case and in what capacity did you testify?

47. Have you ever witnessed a crime or situation calling for your observations? If yes, please describe when and under what circumstances.

48. In addition, if you ever filed a report with the police, please describe when and under what circumstances.